UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,825	03/18/2004	Scott Goldthwaite	WS-105	7012

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AKC PATENTS
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EXAMINER
FERGUSON, KEITH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/803,825	GOLDTHWAITE ET AL.
	Examiner	Art Unit	
	Keith T. Ferguson	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) <u>2,3,22,23</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4-21,24-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,4-9 and 13-21 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Benson in view of Arques et al..

Regarding claims 1,4,5,7,8,14-20, Benson discloses a system (network)(col. 1 lines 9-13 and col. 2 lines 19-50) for performing mobile authentication service transaction (interconnection) between a mobile phone and a network)(mobile transactions) (information exchange transaction) (col. 1 lines 9-13 and col. 2 lines 19-50) comprising: a mobile communication device (fig. 4) comprising a subscriber identification module (SIM) card socket (slot)(fig. 4 number 12) and a phone interface logic interface)(virtual subscriber identification) (VSIM) interface (fig. 4 number 11) connected to said SIM card slot (fig. 4); a network service provider (server device)(server computer)(col. 3 lines 1-10); and wherein said mobile communication device is adapted to connect to said server device via a first wireless network (col. 3 lines 1-10 and col. 3 lines 53-67), provides subscriber identity authentication to said server device via said a phone interface logic (VSIM)(inherent,

since the phone interface logic is attached to the SIM Socket
taught in fig. 4 and provide subscriber identification to the
network provider, taught in (col. 1 lines 9-13 and col. 2 lines
19-50), a CPU (fig.4 number 10) (mobile transaction client
application) for managing said communication between said mobile
communication device and said server device (i.e. mobile phone
replying its identification to the network provider)(col. 2
lines 10-30) and a mobile transaction server application for
managing communication between said server and said mobile
communication device (col. 1 lines 24-34). Benson differs from
claim 1 of the present invention in that it does not disclose
the mobile phone manages communication with said server device
utilizing SIM Application Toolkit commands to invoke the Bearer
Independent Protocol described in the European
Telecommunications Standards Institute document ETSI TS 101 267
(3GPP TS 11.14). Arques et al. teaches a system (fig. 1)
wherein a mobile station SIM card allows a distant server to
perform authentication a subscriber identity using SIM
Application Toolkit commands to invoke the Bearer Independent
Protocol described in the European Telecommunications Standards
Institute document GSM 11.14)(P:0007 line 1 through P:008 line
10). Therefore, it would have been obvious to one of ordinary
skill in the art at the time the invention was made to modify
Sato with the mobile phone manages communication with said
server device utilizing SIM Application Toolkit commands to
invoke the Bearer Independent Protocol described in the European
Telecommunications Standards Institute document ETSI TS 101 267
(3GPP TS 11.14) in order for the system to provide a security
transaction layer session according to a protocol used by the
mobile phone's SIM when accessing an internet network, as taught
by Arques et al..

Regarding claim 6, Benson discloses one or more additional
SIM slots, a second SIM card connected to one of said one or
more additional SIM slots and a smart card reader (col. 3 lines
1-35 and col. 6 lines 8-15).

Regarding claim 9, Benson discloses a system as discussed
supra in claims 1 and 8 above. Benson differs from claim 9 of
the present invention in that it does not disclose said wireless
telecommunications network is a Global System for Mobile
Communications (GSM). Arques et al. teaches a network that is a
Global System for Mobile Communications (GSM)(P:0007 lines 1-

12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Benson with said wireless telecommunications network is a Global System for Mobile Communications (GSM) in order to provide the system ETSI standards specifying the infrastructure for a digital cellular service which coordinates with the mobile phone SIM, as taught by Arques et al..

Regarding claim 13, Benson discloses a Short Message Service (SMS) communication format (col. 3 lines 18-23).

4.   Claims 21,24-29 and 31-40 are rejected under 35 U.S.C.

103(a) as being unpatentable over Sato in view of Arques et al..

Regarding claim 21,24,25,27,28,35,36-40, Sato discloses a method for performing mobile information exchange transactions (fig. 3) comprising: providing a mobile communication device (fig. 2) comprising a subscriber identification module (SIM) card socket (slot)(fig. 2 number 201 and 202) and a driver (fig. 2 numbers 241 and 242)(virtual subscriber identification) (VSIM) interface connected to said SIM card slot (fig. 2); providing a server device with a network (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); connecting said mobile communication device to said server device via a first network (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); providing subscriber identity authentication of said mobile communication device to said server device via said VSIM interface (p:0005 lines 1-5, p:0029 lines 1-11 and (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14); and communicating between said mobile communication device and said server device (p:0037 line 1 through p:0039 line 13 and fig. 14 number 14), a hardware control unit HWC (fig. 2 number 103)(mobile transaction client application) for managing said communication between said mobile communication device and said server device (p:0037 line 1 through p:0039 line 12 and fig. 14 number 14) and a mobile transaction server application for managing said communication between said server and said mobile communication device (Korea charges the mobile telephone for call services)(P:0079 lines 1-10). Sato differs from claim 21 of the present invention in that it does not disclose said mobile communication device manages said communication utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document

ETSI TS 101 267 (3GPP TS 11.14). Arques et al. teaches a mobile
station SIM card allows a distant server to perform
authentication a subscriber identity and governed by a SIM
Application Toolkit commands to invoke the Bearer Independent
Protocol described in the European Telecommunications Standards
Institute document GSM 11.14) which defines a set of commands
and situations between the mobile station and SIM card (P:0007
line 1 through P:008 line 10). Therefore, it would have been
obvious to one of ordinary skill in the art at the time the
invention was made to modify Benson with the mobile phone
manages communication with said server device utilizing SIM
Application Toolkit commands to invoke the Bearer Independent
Protocol described in the European Telecommunications Standards
Institute document ETSI TS 101 267 (3GPP TS 11.14) in order for
the system to provide a security transaction layer session
according to a protocol, commands and situations used by the
mobile phone's SIM when originating a data call in Korea so that
the mobile telephone can be charge for the data call services,
as taught by Arques et al..

Regarding claim 26, Sato discloses one or more additional
SIM slots (fig. 2 number 201 and 202), a second SIM card
connected to one of said one or more additional SIM slots (fig.
2 number 1002), and an external card reader (fig. 2 number
102a).

Regarding claim 29, Sato discloses a Global System for
Mobile Communications (GSM)(p:0003 lines 1-5).

Regarding claims 31,32 and 34, Sato discloses said first
network is adapted to connect to a second wireless network (40)
through a mobile operator gate and wherein said server is
adapted to connect to said second network thereby connecting to
said first network (42) and said mobile communication device
(fig. 14 and P:0079 line 1 through P:0081 line 8).

Regarding claim 33, Sato discloses a method as discussed
supra in claim 21 above. Sato differs from claim 33 of the
present invention in that it does not disclose said
communication comprises a Transmission Control Protocol/Internet

Protocol (TCP/IP) format.   Arques et al. teaches communication
that uses a Transmission Control Protocol/Internet Protocol
(TCP/IP) format (P:0008 line 1 through P: line 5). Therefore,
it would have been obvious to one of ordinary skill in the art
at the time the invention was made to modify Sato with said
communication comprises a Transmission Control Protocol/Internet
Protocol (TCP/IP) format in order for transaction to guarantee
integrity and reliability data communication when the mobile
telephone seeks an internet communication connection in Korea,
as taught by Arques et al..

5.   Claim 30 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Sato in view of Arques et al. as applied to

claim 21 above and in further view of Goldberg et al..

      Regarding claim 30, the combination of Sato and Arques et
al. differs from claim 30 of the present invention in that they
do not disclose said first network is a Bluetooth network.
Goldberg et al. teaches a personal Bluetooth network (p:0051
lines 1-4). Therefore, it would have been obvious to one of
ordinary skill in the art at the time the invention was made
To modify the combination of Sato and Arques et al. with said
first network is a Bluetooth network in order for the mobile
telephone to pay for call charges by having it SIM card debited
by a short range debit call station, as taught by Goldberg et
al.

6.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Benson in view of Arques et al. as applied to

claim 1 above and in further view of Goldberg et al..

      Regarding claim 10, the combination of Benson and Arques et
al. differs from claim 10 of the present invention in that they
do not disclose said first network is a Bluetooth network.
Goldberg et al. teaches a personal Bluetooth network (p:0051
lines 1-4). Therefore, it would have been obvious to one of
ordinary skill in the art at the time the invention was made
To modify the combination of Benson and Arques et al. with said
first network is a Bluetooth network in order for the system to

verify the mobile phone identification using short range
communication, as taught by Goldberg et al..

Regarding claims 11 and 12, the combination of Benson and
Arques et al. differs from claim 11 of the present invention in
that they do not disclose said first network is adapted to
connect to a second network through a mobile operator gate and
wherein said server is adapted to connect to said second network
thereby connecting to said first network and said mobile
communication device. Goldberg et al. teaches a first network
(fig. 2 number 16) is adapted to connect to a second wireless
network (fig. 2 number 18) through a mobile operator gate and
wherein said server is adapted to connect to said second network
thereby connecting to said first network and said mobile
communication device (P:0028 line 1 through P:0030 line 7).
Therefore, it would have been obvious to one of ordinary skill
in the art at the time the invention was made to modify the
combination of Benson and Arques et al. with said first network
is adapted to connect to a second network through a mobile
operator gate and wherein said server is adapted to connect to
said second network thereby connecting to said first network and
said mobile communication device in order for the system to
allow the mobile phone an internet connection from a GSM network
to a packet data network, as taught by Goldberg et al..

Response to Arguments

7.   Applicant's arguments filed August 29, 2006 have been fully
considered but they are not deemed to be persuasive. The
following are explanations to the applicant arguments:

8.   Argument: Regarding claim 1, applicant alleges that Argues
et al. does not disclose a mobile station SIM allows a distant
server to perform authentication a subscriber identity utilizing
SIM Application Toolkit commands to invoke the Bearer
Independent Protocol described in the European
Telecommunications Standards Institute document ETSI TS 101 267
(3GPP TS 11.14).

<u>Explanation</u>: Examiner agrees with applicant. However, claim 1 does not recite "a mobile station SIM allows a distant server to perform authentication a subscriber identity utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". Benson teaches an authentication interconnection process between a cellular telephone SIM card and a network. Argues et al. teaches utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) between a mobile terminal and its SIM card.

9. Argument: Regarding claims 1 and 21, applicant alleges that Arques et al. does not disclose any reference to authentication service.

<u>Explanation</u>: Examiner respectfully disagrees because Arques et al. teaches in paragraph 0007, FIG. 1, describes schematically the communication within a mobile station 10 composed of an item of mobile equipment ME, a telephone in the example, and a smart card SIM. The mobile station 10 can communicate with another mobile station 10' or with a distant server 100. The SIM card makes it possible to procure a subscriber identification and a key in order to allow on the one hand the <u>authentication</u> of the subscriber on the GSM network and on the other hand the decrypting or encrypting of the data received or sent. The SIM card also enables the subscriber to access data peculiar to the GSM network and information on the services accessible.

10. Argument: Regarding claims 3,4,22 and 23, applicant alleges that Benson CPU is a hardware component and not a software application that manages the communication from the mobile communication device to the server device.

<u>Explanation</u>: Examiner respectfully disagrees, applicant did not address a "software application" in claims 3 and 4. Also, it is known in the wireless/cellular art for the communication device CPU to interact with software stored within (i.e. memory, memory card, SIM, etc.) that manages the communication from the mobile communication device to the server device for authenticating before allowing a cellular telephone wireless service.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this

action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Keith T.

Ferguson whose telephone number is (571) 272-7865. The examiner

can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, William Trost can be

reached on (571) 272-7872. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson
Art Unit 2617
November 1, 2006

KEITH FERGUSON
PRIMARY EXAMINER